

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC., AND MEDTRONIC VASCULAR, INC.,
Petitioner,

v.

TELEFLEX INNOVATIONS S.À.R.L.,
Patent Owner.

Case IPR2020-00127
Patent 8,048,032

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64 TO PATENT
OWNER'S PRE-INSTITUTION EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Medtronic, Inc., and Medtronic Vascular, Inc. (“Medtronic”), hereby submit the following objections to certain evidence filed by Patent Owner Teleflex Innovations S.À.R.L (“Teleflex”) in conjunction with its Patent Owner Preliminary Response.

I. Exhibits 2043 & 2044: Declarations of Amy Welch

Medtronic has yet to cross-examine Ms. Welch, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibits 2043 and 2044 and/or any testimony therein on the bases of FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). Further, Medtronic objects to Exhibits 2043 and 2044 under FRE 106 (completeness) and FRE 1002 (requirement for original). In addition, Medtronic objects to Exhibits 2043 and 2044 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Ms. Welch regarding her declarations.

II. Exhibit 2046: Declaration of Howard Root

Medtronic has yet to cross-examine Mr. Root, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2046 and/or any testimony therein on the bases of FRE 401/402

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(relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). In addition, Medtronic objects to Exhibit 2046 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Root regarding his declaration.

III. Exhibits 2048-2051, 2053-2054, 2059, 2081: Litigation Documents

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of time).

IV. Exhibit 2055: Surface Article

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authenticity), and FRE 1002 (requirement for original).

V. Exhibits 2056, 2072, 2080: Expert Report/Declaration/Deposition Transcript of Peter T. Keith

Medtronic has yet to cross-examine Mr. Keith, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibits 2056, 2072, and 2080 and/or any testimony therein on the bases of FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice,

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confusing, waste of time), FRE 602 (lack of personal knowledge), FRE 701 (opinion by lay witness), and FRE 702/703 (insufficient support for expert testimony). In addition, Medtronic objects to Exhibits 2056, 2072, and 2080 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Keith regarding his expert report/declaration/transcript.

VI. Exhibits 2057 & 2060: Teleflex Website

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), and FRE 901 (authenticity).

VII. Exhibits 2058, 2061-2063, 2065-2067: Teleflex Company Documents

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authenticity), and FRE 1002 (requirement for original).

VIII. Exhibits 2069 & 2071: Exhibits to Complaint

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), and hearsay (FRE 802).

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IX. Exhibit 2070: Guide Catheters

Medtronic objects under FRE 106 (completeness), FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), hearsay (FRE 802), FRE 901 (authenticity), and FRE 1002 (requirement for original).

X. Exhibit 2073: Declaration of Alexander S. Rinn

Medtronic has yet to cross-examine Mr. Rinn, but intends to do so in advance of DUE DATE 2. Medtronic therefore reserves the right to move to exclude Exhibit 2073 and/or any testimony therein on the bases of FRE 602 (lack of personal knowledge), FRE 401/402 (relevance), and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). In addition, Medtronic objects to Exhibit 2073 under FRE 802 (hearsay) to the extent Medtronic does not have the opportunity to cross-examine Mr. Rinn regarding his declaration.

Dated: July 13, 2020

Respectfully submitted,

/Cyrus A. Morton/

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